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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/807,421

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Kun-Jung Tsai

3523

25859

7590

04/04/2006

WEI TE CHUNG

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EXAMINER

CRANSON JR, JAMES W


ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/807,421	Applicant(s) TSAI, KUN-JUNG	
	Examiner James W. Cranson	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 11 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9, 10 and 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/24/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of requirement for restriction in the reply filed on 11/18/2005 and without traverse of the requirement for election of species in reply 1/19/2006 is acknowledged. The traversal is on the ground(s) that Group I is a subcombination of Group II and not related as a product and a process of use. This argument is found to be persuasive.

Another reason why claims 1-7 & 17 and 8-16 should not be restricted is that the combination in claims 8-16 does require the same particulars in the combination claims 1-7 & 17. Therefore the restriction is withdrawn. In the reply filed 1/19/2006 applicant elected Species I of Group I, between Groups I and II, being drawn to claims 1-4 and 17, without traverse.

Concerning the election of species. Upon further consideration, since searching for these three species does not appear to be burdensome, the election of species requirement is withdrawn. All previously withdrawn claims are back in application. Claims 1-17 are examined on the merits in this Office Action.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities:

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v.*

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*HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “orbits” in claims 2 and 9 is used by the claim to mean “upright walls labeled “214” in figures 1,2, while the accepted meaning is “circular track.” The term is indefinite because the specification does not clearly redefine the term.

Appropriate correction is required.

### ***Claim Objections***

Claims 2 and 9 are objected to because of the following informalities: Both claims contain the word “orbits” and are objected to for the reasons set forth above in the objection to the specification.

Appropriate correction is required.

Claim 16 is objected to because of the following informalities: Line 2 of claim 16 has a spelling error, “duffering” should be diffusing.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: free ends of the side rims being bent towards the outside of the movable case, should instead be bent towards the inside, as supported by specification, (paragraph 0018).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 3,433,548 to Moore or USPN 3,544,187 to Hils.

Moore in a filing cabinet structure discloses a stable case slideably connected to a movable case.

Regarding claim 1:

A frame, comprising: a stable case (10) comprising a bottom plate (not labeled), at least three sidewalls (not labeled in figure 1) connected to the bottom plate (17); a movable case (11) comprising a back rim (14) and two side rims connected thereto (12b, 12c); wherein, the movable case is slideably (column 2, lines 14-18) connected with the stable case by connecting elements(claim 1).

Regarding claim 2:

Moore discloses that the connecting elements are two orbits defined by the bottom plate, the at least three sidewalls, and flanges projecting from the corresponding sidewalls and parallel to the bottom plate (column 2, lines 12-56).

Regarding claim 3, according to claim 2:

It is inherent that a bottom plate is connected to the back rim and the side rims.

Regarding claim 5:

Moore discloses that the at least three sidewalls are three outside walls and two inside walls, and

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the connecting elements are sliding slots defined by the two inside walls and two outside walls (figure 5).

Claims 8 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0075667 to Kawashima et al.

Kawashima et al. discloses a backlight module comprising light guide plate, light source, and a frame with detachable parts.

Regarding claim 8:

A backlight module (1), comprising: a light guide plate (2); a light source (5a) disposed adjacent (figure 1A) to the light guide plate; and a frame (7a, 7b) for receiving the light guide plate and the light source, comprising: a stable case comprising a bottom plate (7a), at least three sidewalls (51a, 31a, 32a, 33a, 34a, 35a, 36a, 37a) connected to the bottom plate; a movable case (7b) comprising a back rim and two side rims connected thereto (51b, 31b, 32b, 33b, 34b, 35b, 36b, 37b); wherein, the movable case is slideably [0055, arrows in figure 1A show direction of insertion of 7b into 7a by sliding] connected with the stable case by connecting elements.

Regarding claim 17:

A frame using in a backlight module, comprising: two separated cases (7a, 7b); a connecting element comprising sliding parts and receiving slots (41a, 42a, 43a, 44a, 41b, 42b, 43b, 44b, [0036]) slots respectively formed in the two separated cases, whereby the two separated cases and the connecting element form a receiving access to hold the backlight module.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0075667 to Kawashima et al. in view of US 20040105251 to Yu et al.

US 2002/0075667 to Kawashima et al. does not disclose a reflective plate below the light guide, a diffusing plate, a brightness enhancing film or a polarizer.

US 20040105251 to Yu et al. in a backlight system and light guide plate used therein teaches the use of reflective plate below light guide plate (3023,4023, and in prior art 1023, 2023), diffusing plate (3025,4025, and in prior art 1025), brightness enhancing film (2026) and polarizer (3027).

It would have been obvious to one of ordinary skill in the art at the time of invention to provide Kawashima with reflective plate below light guide, diffusing plate, brightness enhancing film and polarizer as taught by Yu to have a backlight system that gives a more uniform and more intense light (Yu, [0012]).

*Allowable Subject Matter*

Claims 6, 7, 9 10 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Further, claims 4 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:  
Claim 4, according to claim 3 adds that free ends of side rims are bent toward outside or inside of movable case to form curve portions.

This combination of limitations is not found or taught in the art of record.

Claim 6, according to claim 1, also adds free ends of side rims are bent toward outside of movable case to form curve portions and would be allowable for same reasons.

Claim 7 depends on claim 6 and would be allowable for same reasons.

Claim 9, according to claim 8, adds the connecting elements are two orbits defined by the bottom plate, at least three sidewalls, and flanges projecting from corresponding sidewalls and parallel to bottom plate.

These limitations are not in the primary art of record, Kawashima et al. nor is it obvious to combine with USPN 3,433,548 to Moore to meet this limitation. Therefore claim 9 would be allowable over the art of record.

Claims 10 and 11 depend directly or indirectly from claim 9, add further limitations and would be allowable for the same reasons.

Claim 12, according to claim 8, adds that connecting elements are sliding slots defined



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by the two inside walls and two outside walls.

This combination of limitations is not found or taught in the art of record.

Claim 13, according to claim 8, adds that free ends of side rims are bent toward outside of movable case to form curve portions and that connecting elements are sliding slots.

This combination of limitations is not found or taught in the art of record.

Claim 14 depends from claim 13, adds further limitations and would be allowable for the same reasons.


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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ALAN CARIASO  
PRIMARY EXAMINER